

### **REMARKS**

Claims 1-15 are pending in the present application, all of which were rejected in the non-final office action dated April 19, 2005 (the "OA"). This response to the OA includes amendments to Claims 1, 4, 7, and 10. The amendments to Claims 1 and 4 are discussed below. The amendments to Claims 7 and 10 corrected grammatical errors.

#### **35 USC 103 Rejections over Desai in view of Schultz & Voorhees**

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. (U.S. Patent No. 6,072,904, hereinafter "Desai") in view of Schultz (U.S. Patent No. 5,721,902, hereinafter "Schultz"), and further in view of Voorhees et al. (U.S. Patent No. 5,864,845, hereinafter "Voorhees"). Applicants have amended independent Claims 1 and 4 to more clearly express that an interest is determined in digital media records that are identified based on search results. Support is found throughout the specification, including paragraphs 89-123.

This limitation is specified in original independent Claim 10. This limitation also includes an interest that is expressed by search requests for digital media records that are not available, which results in an empty search result, as specified in independent Claim 7. However, the OA does not address this "interest" limitation. Instead, the OA rejects independent Claims 7 and 10 based on the reasons set forth for rejecting independent Claim 1, which did not originally express this limitation. Applicants contend that the cited prior art discloses or suggests this limitation, and respectfully argue that a prima facie case of obviousness has not been established.

Also, the OA indicates that Desai discloses the limitation of identifying, using a semantic net hierarchy, a lowest-level term in the hierarchy that subsumes all of the queries in a grouping of search requests. Applicants respectfully disagree that Desai discloses or suggests this limitation. Desai is directed to optimizing the speed of search by partitioning a database of images into clusters. (Desai, abstract and col. 2, lines 24-25.) Desai does not disclose or suggest identifying a lowest-level term that subsumes queries in a grouping of search requests.

Further, the OA indicates that it would have been obvious to one of ordinary skill to modify the combination of Desai and Shultz by incorporating the mechanism for query clustering disclosed by Voorhees. However, applicants respectfully disagree that Voorhees discloses the amended limitation of applying a statistical clustering algorithm to the logged search requests, thereby grouping similar search requests together, as that limitation is used in the amended independent claims. Voorhees discloses "training the computer for each search engine by clustering training queries and building cluster canroids." (Voorhees, col. 2, lines 29-30.) Such training queries do not disclose or suggest applying a statistical clustering algorithm to logged search requests for which a user has expressed interest in a selected digital media record, as required by original independent Claim 10 and now clarified independent Claims 1, 4, and 7.

Applicants also respectfully disagree that one of ordinary skill would have been motivated to combine Desai and Voorhees. The OA indicates that the motivation would be to provide a search retrieval system for combining the results of separate search engines into a single integrated ranked list of pages in response to a query. Desai requires that "the retrieval system characterizes edge content of the target image, using the same techniques employed to characterize the images in the database." (Desai, col. 2, lines 26-28.) Thus, the uniform retrieval system is needed. In contrast, Voorhees is directed to "an automatic method for facilitating World Wide Web Searches by exploiting the differences in the search results of multiple search engines . . ." (Voorhees, col. 1, lines 8-10.) Thus, different retrieval systems are needed. Further, Desai states that "this invention is premised on the assumption that the advantages gained by the increased speed of retrieval outweigh the disadvantages caused by a potentially erroneous retrieval." (Desai, col. 4, lines 4-6.) In contrast, Voorhees states that its purpose is "to produce a single list that is more accurate than any of the individual lists from which it is built." (Voorhees, col. 1, lines 10-12.) Modifying either reference by combining with the other reference would render each unsatisfactory for its intended purpose. (See MPEP 2143.01.) Thus, one of ordinary skill would not be motivated to combine Desai and Voorhees.

Accordingly, the rejection of independent Claims 1, 4, 7, and 10 under 35 U.S.C. §103(a) should be withdrawn. Further, it is well established that dependent claims include all of the

limitations of the independent claims from which the dependent claims depend. Thus, dependent claims are patentable for at least the same reasons as the corresponding independent claims. Accordingly, the rejection of dependent claims 2, 3, 5, 6, 8, 9, and 11-15 under 35 U.S.C. §103(a) should also be withdrawn.


35 USC 103 Rejections over Desai in view of Schultz, Voorhees & Wiser

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. in view of Schultz et al. and Voorhees et al. and further in view of Wiser et al. (U.S. Patent No. 6,385,596, hereinafter "Wiser"). As with the other references, Wiser does not disclose or suggest at least the missing limitation of logging search requests for which a user has expressed interest in a selected digital media record. Even if Wiser discloses e-commerce, applicants find no disclosure or suggestion that e-commerce actions by users is logged or otherwise associated with search requests. Accordingly, the rejection of dependent Claims 13-15 under 35 U.S.C. 103(a) should be withdrawn.

In view of the above amendments and remarks, Applicants believe that pending Claims 1-15 are allowable and the pending application is now in condition for allowance. If any questions remain, please contact Applicant's Attorney as listed below.

Dated: October 19, 2005

Respectfully submitted,

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